

Chairman Vap called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Lowell Johnson, Rod Johnson, Landis and Vap present and Commissioner Anne Boyle excused.

#### GENERAL ADMINISTRATION

Notice was duly published February 22, 2005 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held March 1, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Wednesday, March 2, 2005:

NUSF-2        Commission Hearing Room, Lincoln. Workshop.  
10:00        In the Matter of Commission, on its own motion, seeking to establish guidelines for the administration of the Nebraska Telephone Assistance Program.

#### COMMUNICATIONS DEPARTMENT

Gene Hand introduced Deena Kumke as the new Administrative Assistant in the Communications Department effective March 1, 2005.

Cheryl Elton updated the Commission on complaints received in the preceding month.

C-3330        In the Matter of the Joint Application of New Access Communications, LLC, Minneapolis, Minnesota, seeking to transfer ownership from Jasper Holdings, LLC to North Central Equity, LLC: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

C-3341        In the Matter of the Joint Application of AmeriVision Communications, Inc., Oklahoma City, Oklahoma, and of Nonprofit and Affinity Marketing, Inc., Washington, DC, seeking Authority to Transfer Control: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3343 In the Matter of USLD Communications, Inc., f/k/a US Long Distance IXC or US Long Distance, Inc., Denver, Colorado, seeking to withdraw authority to operate as a resale common carrier of telecommunications services, including operator assisted services within the state of Nebraska, previously granted in Docket C-1035. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

C-3339 In the Matter of OrbitCom, Inc., Sioux Falls, South Dakota, seeking a Reciprocal Compensation Interconnection Agreement with Verizon Wireless, Walnut Creek, California in the state of Nebraska: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

C-3342 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Triennial Review Order and USTA II Decision Amendment to the Interconnection Agreement with 1-800-Reconex Inc., d/b/a USTel, Hubbard, Oregon, previously granted in Application C-3219: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

Gene Hand discussed the UNE-P Report prepared by the PACE coalition.

Gene Hand provided an update on the NARUC Intercarrier Compensation Reform efforts.

Gene Hand discussed Wireless Termination Tariffs and the FCC Order in Docket No. 01-92 released on February 24, 2005.

Gene Hand updated the Commission on the Department of the Navy's request for a dedicated area code including a recent announcement that the request would be tabled for further review and analysis for 90 days.

Commissioner Landis addressed the FCC order adopting new minimum requirements for carriers to be designated "eligible telecommunications carriers" and to be eligible to receive federal universal service support. He felt the new requirements were consistent with prior Nebraska PSC decisions and steps should be taken to incorporate these requirements in future ETC proceedings. The staff was directed to obtain and review the FCC order and to recommend a procedure to flush out all issues related to these new requirements.

UNIVERSAL SERVICE FUND

NUSF-37.34 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. CTC Communications Corporation, Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to grant an order dismissing the complaint and cancel the hearing scheduled for March 8, 2005. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

NUSF-37.51 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. Business Options, Inc., Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to grant an order dismissing the complaint. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

NUSF-37.54 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. Z-Tel Communications, Inc.: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to grant an order dismissing the complaint. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

Jeff Pursley reported on the Late-Filed Carrier Remittances: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to include Teledias Communication's 4<sup>th</sup> Quarter, 2004 late-filed remittance worksheet with the current complaint that is opened in Docket NUSF-37.50. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

C-3345/ In the Matter of the Commission, on its own motion, seeking  
NUSF-42/ to investigate Qwest's switched access rate structure: Jeff  
PI-93 Pursley discussed the inclusion of the NUSF Department in  
this docket.

Jeff Pursley discussed the Federal Communication Commission's (FCC) News Release on the non-reporting and remitting by AT&T of intrastate calling card surcharges to the USF: A letter has been prepared for Chairman Vap's signature, addressing AT&T's request for confirmation that they have been accurately reporting and remitting to the Nebraska USF.

#### NATURAL GAS DEPARTMENT

FC-1319      In the Matter of Kinder Morgan, Inc., Lakewood Colorado, vs. City of Hastings, Hastings, alleging installation of duplicative and redundant natural gas piping and services in the City of Hastings and its environs. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order dismissing the formal complaint. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

Laura Demman provided a report on the number and nature of natural gas consumer inquiries and complaints received during the previous month.

#### RULES AND REGULATIONS

Rule &      In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 9, Natural Gas and Pipeline #157A      Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 790 [2003]. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order issuing revised natural gas rules for comment and schedule a workshop for April 11, 2005, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

#### LEGISLATIVE REPORT

Angela Melton discussed the fiscal note on LB 751, recommending that the Commission approve the proposed Fiscal Note for LB 751. After discussion, the Commissioners tabled the matter until the next Commission meeting on March 8, 2005.

Angela Melton discussed the amendment to LB 722, recommending that the Commission oppose AM 442 to LB 722. After discussion, the Commissioners tabled the matter until the next Commission meeting on March 8, 2005.

Angela Melton updated the Commission on the status of legislation and hearing dates.

#### GRAIN WAREHOUSE DEPARTMENT

GW-1761      In the Matter of Capitol Indemnity Corporation seeking cancellation of its continuous Public Grain Warehouse Bond No. 738331 in the amount of \$151,900.00, issued on behalf of Morrill Grain Co., Inc., Creighton: The bond was cancelled effective March 1, 2005.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2135      In the Matter of Wilhelm Grain, Inc., Humboldt: John Fecht discussed the grain sale.

Grain Dealer Division

There were three grain dealer licenses not issued due to background checks.

GD-2871      In the Matter of John A. Fecht, Director, Grain Warehouse  
GDC-397      Department, Complainant, v. North Side Grain Co., Laurel,  
Defendant: Motion made by Commissioner Lowell Johnson,  
seconded by Commissioner Rod Johnson, to enter an order to show cause  
and schedule a hearing for April 12, 2005 at 1:30 p.m. in the Commis-  
sion Hearing Room, Lincoln. Motion passed with Commissioners Lowell  
Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE,  
Commissioner Anne Boyle Excused Not Voting.

TRANSPORTATION DEPARTMENT

MCC-3156      In the Matter of Mark Breiner, Director, Motor Transpor-  
tation Department, vs. A-1 Limousine Services, LLC, BJ  
Tours, Inc., Black Tie Limousine, Inc., Central Limo Service, N.E.  
Lincoln Daycare, Nebraska Game & Parks Commission, Omaha Limousine, RT  
Round Trip Transport, Tree City Cab Company (Allgood), VIP Limobus  
LLC, VIP Limousine LLC, A-J Moving Service, Ford Storage & Moving Co.,  
Hot Shot Deliveries LLC, Lincoln Moving Services, Nebraskaland Moving  
& Storage, Pawnee Transfer, Inc., Shasteen Transfer and Storage,  
Shasteen Transfer and Storage, Shipper's Transportation, Inc.,  
Smitty's Van & Storage Co., and Transfer 88. Commissioner Landis  
presiding as Hearing Officer: Motion made by Commissioner Rod  
Johnson, seconded by Commissioner Lowell Johnson, to enter an Order to  
Show Cause and schedule a hearing for April 5, 2005, at 1:30 p.m. in  
the Commission Hearing Room, Lincoln. Motion passed with Commis-  
sioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap  
voting AYE, Commissioner Anne Boyle Excused Not Voting.

Rate Division

MR-1009      In the Matter of the Commission, on its own motion, seeking  
to initiate an investigation on range uniformity in the  
Official Intracity Household Goods Tariff 22. Commissioner Rod John-  
son presiding as Hearing Officer: A hearing was scheduled for a date  
later to be determined.

TRANSPORTATION DEPARTMENT (Cont.)

MR-1020 In the Matter of Portable Storage of Nebraska, LLC, dba PODS, seeking authority to amend Nebraska Tariff 7F & 22. Commissioner Boyle presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to continue the hearing previously scheduled for February 23, 2005, to March 23, 2005, at 9:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was increased to 40 cents per mile and the taxi surcharge retained at 45 cents per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to approve the following Commission invoices. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

DAS - Communications	\$	2,683.93
Dept. of Corrections		740.00
University of Nebraska		12,908.25
University of Nebraska		12,908.25
Kelly Services		682.50
Anne Boyle		620.91
Rod Johnson		394.83

Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to authorize Don Gray to attend the Industry Numbering Committee (INC) meeting to be held in Washington, DC on March 7, 2005, subject to cancellation if the Department of Navy withdraws its application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

Upon agreement of all Commissioners present, authorization was granted for Bob Bowman to travel to Clay Center, Kansas, on March 2, 2005, to perform a modular housing unit factory inspection of Wardcraft Homes with all expenses, including time, to be reimbursed to the Commission.

The meeting adjourned at 11:02 a.m. with Commissioners Lowell Johnson, Rod Johnson, Landis and Vap present and Commissioner Boyle excused. The next regularly scheduled meeting will be held on March 8, 2005, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on March 7, 2005.

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Chairman

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Executive Director